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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,033	12/10/2003	Satoshi Murakami	740756-2677	5144
22204	7590	01/20/2006		
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			EXAMINER BREWSTER, WILLIAM M	
			ART UNIT 2823	PAPER NUMBER

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,033

Applicant(s)

MURAKAMI ET AL.

Examiner

William M. Brewster

Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 122205.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 19 objected to because of the following informalities: line 8, no antecedent basis for "the contact hole". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-13, 18, 21, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakurai, US Publication No. 2003/0052597 A1.

Sakurai anticipates limitations from claim 1, 5, 9,
a light-emitting device comprising: in fig. 3,
a transistor including:
a semiconductor film 221;
a gate insulating film 251 formed on the semiconductor film;
a gate electrode 210G formed on the gate insulating film;
a first film 252 formed on the gate electrode;

a first contact hole 235 provided in the first film;
a wiring 210D formed on the first film;
a second film lower portion of 253 formed of the same layer as the wiring on the first film;
a third film, upper portion of 253, formed over the first film;
a second contact hole 236 provided in the third film;
an electrode 202 of a light-emitting element formed on the third film; and
a fourth film 213 covering an edge of the electrode of the light-emitting element,
wherein the electrode of the light emitting element is formed so that at least a portion of the electrode 213 of the light-emitting element is overlapped with the second film, lower portion of 253, and
wherein an opening, lined by 204, of the fourth film is provided in an overlap portion of the electrode 202 of the light-emitting element and the second film, lower portion of 253, and
and
wherein a first contact hole 235 of the first film and a second contact hole 236 of the third film are overlapped with the fourth film 254, pp. 2-4, ¶ 25-39;

limitations from claims 2, 6, 10, the light-emitting device according to claims 1, 5, 9 wherein a reflective film is included in the electrode of the light-emitting element, p. 2, ¶ 25;

limitations from claims 3, 7, 11, the light-emitting device according to claims 1 of 5 or 9 or claims 2, 6, or 10 wherein the wiring 210D is integrated with the second film lower portion of 253, wherein they are both formed on the 253;

limitations from claims 4, 8, 12 the light-emitting device according to claims 1, 5, 9 wherein the second film, lower portion of 253, has a film thickness equal to or thicker than that of the wiring, 210D, wherein the thickness of the lower portion of 253 is at least as thick as 210D;

limitations from claim 20, the light-emitting device according to claim 1, wherein the light-emitting device is an active matrix display device, a "plurality of display pixels arranged in a matrix", ABSTRACT;

limitations from claims 13, 18, a light-emitting device comprising:

a conductive film 210D formed on a first interlayer insulating film 252;

a second interlayer insulating film lower portion of 253, formed over the first interlayer insulating film; and

an electrode 202 of a light-emitting element formed on the second interlayer insulating film;

a contact hole 236 provided in the second interlayer insulating film; and

a partition layer 213 covering an edge of the electrode of the light-emitting element, the electrode of the light-emitting element,

wherein the electrode 202 of the light-emitting element is electrically connected to the conductive film 210D in the contact hole 236;

wherein the electrode 202 of the light-emitting element is formed so that at least a portion of the electrode of the light-emitting element is overlapped with the conductive film 210D,

wherein an opening of a the partition layer, lined by 204
is provided in an overlap portion of the electrode of the light-emitting
element and the conductive film, and
wherein the contact hole 236 of the second interlayer insulating film is overlapped with
the partition layer 213;

limitations from claims 21, 22, the light-emitting device according to claims 13,
18, wherein the light-emitting device is an active matrix display device, a "plurality
of display pixels arranged in a matrix", ABSTRACT;

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Sakurai in view of Kimura, US Publication No. 2002/0011799 A1.

Sakurai teaches limitations from claim 19, a light-emitting device comprising:
a conductive film 210D formed on a first interlayer insulating film 252;
a second interlayer insulating film lower portion of 253, formed over the first interlayer
insulating film; and
an electrode 202 of a light-emitting element formed on the second interlayer insulating
film;

a partition layer 213 covering an edge of the electrode of the light-emitting element,
the electrode of the light-emitting element,
wherein the electrode 202 of the light-emitting element is electrically connected to the
conductive film 210D in the contact hole 236;

wherein the electrode 202 of the light-emitting element is formed so that at least a
portion of the electrode of the light-emitting element is overlapped with the conductive
film 210D,

wherein an opening of a the partition layer, lined by 204
is provided in an overlap portion of the electrode of the light-emitting
element and the conductive film, and

limitations from claims 23, the light-emitting device according to claim 19,
wherein the light-emitting device is an active matrix display device, a "plurality of
display pixels arranged in a matrix", ABSTRACT.

Sakurai specifies using an electroluminescent layer to emit colors, rather than a
color filter, but Kimura teaches a color filter. Kimura teaches forming an
electroluminescent layer (EL) to form color, and alternatively teaches forming a color
filter which is formed by a color film formed over the electrode of the light-emitting
element, wherein the color filter is overlapped with the overlap portion of the electrode
of the light-emitting element and the conductive film, as the EL is overlapped with the
electrode to function, and the color filter must be overlapped with the EL layer to form
the desired color. Kimura gives motivation in p. 12, ¶ 205. It would have been obvious

to a person of ordinary skill in the art at the time the invention was made to recognize that combining Kimura's process with Sakurai's invention would have been beneficial because it is an acceptable and known alternative to produce color filters.

Response to Arguments

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William M. Brewster whose telephone number is 571-272-1854. The examiner can normally be reached on Full Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

13 January 2006
WB


WILLIAM M. BREWSTER
PRIMARY EXAMINER